

BEFORE THE INVESTIGATIVE PANEL OF THE
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE, NO. 05-131
RE: JUDGE BRANDT C. DOWNEY III

ANSWER TO COUNT I

COMES NOW, Brandt C. Downey III, Pro Se (hereinafter referred to as “Respondent”), and files this, his Answer to Count I as contained in the Notice of Formal Charges and states:

1. Respondent admits that in 2002 and then again in 2005 he did view certain adult sites on the computer in his chambers, after hours, by himself, while he was doing other work.
2. Respondent admits that on only two (2) occasions was he notified by e-mail that the antivirus service had been alerted. Respondent has no knowledge as to how the virus was cleared up.
3. Respondent did find out, after the fact, that certain administrative staff were exposed to what was on his computer after the hard-drive unit was removed from his office and replaced by a new hard-drive unit. Respondent has no knowledge as to the remainder of this allegation.
4. Respondent admits that he did receive two (2) such e-mail messages, but he did not ignore them. In fact, the antivirus server functioned properly and no other computers were ever affected by any virus.

Wherefore, while Respondent has admitted most of the allegations on this Count I, it is adamantly denied that Respondent’s actions violated Canon 1 and Canon 2A. On the contrary, it is Respondent’s firm belief that this matter was sufficiently addressed between Respondent and his Chief Judge, David A. Demers by an agreement, attached hereto as Exhibit A. Unfortunately for Respondent and the judiciary, in general, this matter was unethically reported to and printed

in the press after Respondent had reported this matter to this Commission (See attached Exhibit B). Respondent is of the position that it was the unethical reporting of this matter to the press, in violation of Rule 23 of the FJQC Rules, and not Respondent's actions, which were not unlawful or illegal in any way, just ill-advised, that brought Respondent to this position and Respondent further states that the conduct alleged in Count I ceased in April, 2005.

BRANDT C. DOWNEY III
Circuit Judge, Sixth Judicial Circuit
Pinellas County Courthouse
315 Court Street, Room 421
Clearwater, FL 33756

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and seven copies were filed by regular U.S. Mail to Thomas D. Hall, Clerk, Supreme Court of Florida, 500 South Duval Street, Tallahassee, FL 32399-1927 with a copy sent via e-mail to e-file@flcourts.org; and a copy furnished by regular U.S. Mail to E. Lanny Russell, Esquire, 225 Water Street, Suite 1800, Jacksonville, FL 32202 and to Thomas C. MacDonald, Jr., Esquire, General Counsel, JQC, 1904 Holly Lane, Tampa, FL 33629, this ____ day of _____ 2006.

BRANDT C. DOWNEY III